IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.4416 OF 2006

Rajan Mohanlal Thakur ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Mr. Murtaza Nazami adv. appointed for the Applicant.
Ms.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 29th March, 2007.

P.C.:

1. Heard Mr.Nazami, advocate appointed for the applicant and Ms.Gajare, the learned APP for the State.

2. The applicant was convicted in Sessions Case No.291-98 as well as in Sessions Case No.327-98 for the offences punishable under Sections 395, 397 and 452 read with Section 34 and in each case for the offence punishable under Section 395, he was sentenced to R.I. for 7 years and to pay fine of Rs.2,000/-. He did not prefer any appeal. However, it appears that he filed two separate applications seeking direction from this Court that the sentence awarded in both the cases should run concurrently. In Application no.2474 of 2004 this Court passed an order on 22nd December, 2004 and directed that sentence of imprisonment to the extent of four years in second case shall be telescoped with the

sentence of imprisonment in first case and to that extent, the sentence shall run concurrently. Remaining 3 years of sentence in second case shall run after completion of sentence of 7 years in first case. Thus, he was required to undergo imprisonment for 10 years. In view of this, an appropriate order is already passed by this Court in application no.2474-04. It appears that the present application was filed in November, 2003 but this application remained unattended. Ms.Gajare, the learned APP informs that in view of the order passed on application no.2474-04, the applicant has already undergone sentence in both the cases and has been released from the jail. Therefore also, this application does not survive.

3. Application does not survive and stands disposed off accordingly.

(J.H.Bhatia,J.)